

RECORDS RETENTION AND DISPOSITION SCHEDULE  
SPECIFIC SCHEDULE NO. 440-001  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WASTE DIVISION  
WASTE PROGRAMS/SARA TITLE III PROGRAM

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition conditions listed below:

AGENCY APPROVALSTATE APPROVAL

AGENCY HEAD OR DEPUTY

AGENCY RECORDS OFFICER

STATE RECORDS ADMINISTRATOR

COMPTROLLER OR DEPUTY

EFFECTIVE SCHEDULE DATE

APR 01 2004

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## CONDITIONS FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, §§ 42.1-76, et. seq. of the *Code of Virginia* for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the *Certificate of Records Disposal* (Form RM-3). A signed RM-3 must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 must be sent to Library of Virginia (LVA).
4. Any records created before the Constitution of 1902 came into effect (January 1, 1904) must be offered, in writing, to the LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from the LVA. A copy of the offer must be attached to the RM-3 form when it is submitted to the LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.
7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. Microfilming must be done in accordance with §§ 17VAC15-20-10, et. seq. of the *Virginia Administrative Code*, "Standards for the Microfilming of Public Records for Archival Retention."
8. Custodians of records must ensure that information in confidential or privacy protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Normally, destruction of confidential or privacy-protected records will be done by shredding or pulping. "Deletion" of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Electronic records must be "wiped" clean or the storage media physically destroyed.
9. Under the *Virginia Public Records Act*, (§ 42.1-79) the Library of Virginia is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. The Library may purge select records in accordance with professional archival practices in order to ensure efficient access.



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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Local Emergency Planning Committees (LEPC) – Chemical Emergency Response Plans</u></p> <p>This series consists of chemical emergency response plans required to be developed by LEPCs. Series consists of plans, related correspondence and supporting documentation. Record copies are kept in the DEQ Central Office. Refer to 40CFR300.205.</p>	005580	Retain 3 years after receipt, then destroy in compliance with No. 8 on schedule cover page.
<p><u>Local Emergency Planning Committees (LEPC) – Correspondence</u></p> <p>This series consists of the correspondence between this office and the LEPC and/or the Virginia Emergency Response Council. Refer to 40CFR300.205.</p>	005581	Retain 5 years after end of calendar year, then destroy.
<p><u>Local Emergency Planning Committees (LEPC) – Facility Emergency Response Plans</u></p> <p>This series consists of required filings of chemical response plans by facilities that have threshold quantities or more of Extremely Hazardous Substances (EHS). This series contains plans, related correspondence and supporting documentation. Filings are retained for emergency response purposes. Original filings are maintained in the localities. Refer to 40CFR300.205.</p>	005582	Retain 3 years after receipt, then destroy in compliance with No. 8 on schedule cover page.



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<p><u>SARA, Title III, Section 302 – Extremely Hazardous Substance Reports</u></p> <p>This series consists of reports from facilities on use and location of extremely hazardous substances as required by Section 302, Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. Series include reports, related correspondence and supporting documentation. Refer to 40CFR302.</p>	005583	Retain 5 years after receipt, then destroy in compliance with No. 8 on schedule cover page.
<p><u>SARA, Title III, Section 304 – Emergency Release Notification Reports</u></p> <p>This series consists of yearly reports from facilities about spilling or causing a release of extremely hazardous substances as required by Section 304, Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. Series include reports, related correspondence and supporting documentation. Refer to 40CFR310.</p>	005584	Retain 5 years after the end of the calendar year, then destroy.
<p><u>SARA, Title III, Section 311 – Material Safety Data Sheets (MSDS)</u></p> <p>This series consists of reference copies of MSDSs of chemicals with their associated physical and chemical property information, as required by Section 311, Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. Copies are maintained for distribution to first responders or to the public. Refer to 29CFR1910.120 for hazardous material definition.</p>	005585	Retain until 5 years after last listed on Material Inventory Report, then destroy.

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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<u>SARA, Title III, Section 312 – Tier II Hazardous Material Inventory Annual Reports</u>  This series consists of annual reports from facilities on stocks and location of extremely hazardous substances as required by Section 312, Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. Series include reports, diskettes, related correspondence and supporting documentation. Refer to <i>Code of Virginia</i> , § 10.1-1186.1 and 40CFR370.	005586	Retain 3 years after the end of the calendar year, then destroy in compliance with No. 8 on schedule cover page.
<u>SARA, Title III, Section 313 –Toxic Release Inventory (TRI)</u>  This series consists of copies of reports from facilities on release of toxic chemical waste, toxic waste site management and/or pollution prevention efforts for these chemicals as required by Section 313, Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. Series include reports, related correspondence and supporting documentation. Refer to <i>Code of Virginia</i> , § 10.1-1314 to 1314.1 and 40CFR372.	005587	Retain 3 years after the end of the calendar year, then destroy, 40CFR372.10.